

The Journal of Theological Studies

JULY, 1906

THE DATE OF DEUTERONOMY.

IN a discussion of the possibility of an exilic¹ date for the book of Deuteronomy the first point to be considered is the relation of the books of Deuteronomy and Jeremiah one to another. If it can be proved that Jeremiah quotes Deuteronomy *cadit quaestio*. If, however, it can be shewn that the agreements between the two books can be explained at least as easily on the supposition that the language of Deuteronomy has been influenced by Jeremiah, the enquiry enters upon a new phase, and we are enabled to examine without bias the bearing of other evidence on the subject.

In an enquiry which of two authors has been influenced by the other, when no other evidence is at hand save the writings of these authors themselves, it is perhaps impossible to arrive at any verdict which will compel assent. In such a case subjective considerations cannot but have considerable weight. It will, however, be generally agreed that the first step towards a conclusion is to discover, if possible, which of the two exhibits the greater originality in thought and phraseology.

Now if this test be applied to the two books in question, it will probably be affirmed that the claim to originality cannot be substantiated for Jeremiah, since his book shews points of contact, and sometimes verbal agreement, not only with Deuteronomy, but also with other portions of the Old Testament, notably with the Psalms and with the book of Job. But since no one will assert nowadays that Job is earlier than Jeremiah, it follows that of the two striking passages, Jer. xx 14 ff and Job iii 3,

¹ The term *exilic* in this article is to be understood of the *date* not of the *place*.

the priority in date must be assigned to the former ; and thus one passage (and that a remarkably striking one, if it is not a quotation), which was formerly used as an argument against the literary originality of Jeremiah, must now be held rather as evidence for it.

The date of the Psalter is still too much a matter of dispute to allow any very convincing argument to be drawn from such agreements as exist between several Psalms and the book of Jeremiah, but the tendency of modern scholarship is towards assigning the book as a whole to a late rather than to an early period. The chief argument for regarding the Psalms as early compositions is drawn from the titles prefixed to many of them, but 'it is now generally acknowledged that the titles relating to the *authorship and occasion* of the Psalms cannot be regarded as prefixed by the authors themselves, or as representing trustworthy traditions, and accordingly giving reliable information'.¹ Since, however, it must be admitted that in the majority of cases there is no evidence for an early date except the titles, it is obvious that it is at least as possible that the Psalmists are influenced by the language of Jeremiah as *vice versa*.² And if it be conceded that the Psalmists may possibly quote Jeremiah, it will be allowed that in point of *originality of expression* there is much to be said for the priority of Jeremiah. Certainly Jer. xvii 5-8, with its vehement וְאֵלֹהִים and וְיָרֵךְ, and its declaration of the blessedness of trust in Jehovah Himself, gives an impression of greater originality than Ps. i, with its milder וְשִׁבְעָה, and its exaltation of the law.

Again, it must be admitted that Jer. xx 10 is in better harmony with its context than is its parallel in Ps. xxxi 14 (E. V. 13); for the Psalmist's complaint in v. 13 that he is 'forgotten as a dead man out of mind' hardly prepares one for the statement of the following verse that he has 'heard the defaming of many, terror on every side'.

Ps. xxxv has likewise several points of contact with Jeremiah,

¹ Kirkpatrick *Psalms* p. xxxi.

² In the judgement of the present writer this is an understatement of the case. Believing as I do with many moderns, on independent grounds, that the Psalter is a post-exilic book, the agreements between the Psalms and Jeremiah are to me rather proofs of the strong influence which Jeremiah's language had upon subsequent religious thought. I am, however, unwilling to base an argument on this.

but they are of such a kind that it is impossible to decide which is the original. It is, however, to be noticed that this Psalm exhibits several agreements with other Psalms, and may, therefore, be regarded as composed in what has become the language of devotion.

Although there is no actual quotation, Ps. xxxvi 10 (E. V. 9) looks like a reference to Jer. ii 13, xvii 13, and it must be allowed that in Jeremiah the metaphor is simpler.

It is scarcely necessary to discuss at length the relation in which the Psalms in the later books stand to the book of Jeremiah.

Similarly a careful comparison of those phrases which are common to Jeremiah and Deuteronomy will shew that in no case is it necessary to assume that the language of Deuteronomy is the original, while in some cases it is actually more easily explained on the supposition that it is a quotation. Thus it must be admitted that the statement of Deut. xii 2 that the Canaanites 'served their gods upon the high mountains, and upon the hills, and under every green tree', is a piece of *hyperbole* which one would not take to be the *original* phrase of a *legal* writer. In Jeremiah, however, the phrase, which occurs in somewhat varying form in ii 20, iii 6, 13, xvii 2, is more natural in its context. That so striking an expression should become a commonplace, and thus find an echo both in Ezek. vi 13 and Deut. xii 2, is natural enough¹. In like manner the use of *נָחַץ*, to express apostasy, in a law book is difficult to account for, unless through its frequent use in prophetic teaching the metaphor had almost been forgotten.

Again, the phrase in Jer. iv 4, 'Circumcise yourselves unto the Lord, yea, take away the foreskin of your heart', in which Jeremiah gives his view of the spiritual teaching of circumcision, is more likely to be original than the phrase in Deut. xxx 6, 'The Lord thy God will circumcise thy heart and the heart

¹ The present writer ventures to refer here to what he has written on the book of Jeremiah in the *Journal of Theological Studies*, January 1905, p. 183. The composition of the book of Jeremiah may in his opinion be compared with that of the Gospels. That certain phrases are genuine utterances of the prophet cannot be doubted. But in the case of various forms of the same saying it is not always possible to say which is the original and which the doublet, or whether both forms are due to the prophet himself.

of thy seed', in which the metaphor in the word 'circumcise' is almost forgotten.

The striking description of the Chaldaeans in Jer. v 15-17 has at least as great an appearance of originality as the more laboured description in Deut. xxviii 49-57, while the gruesome details in the latter passage suggest an expansion of Jer. xix 9. Certainly the poetical picture of the Chaldaean invasion in Jer. vi 22 ff has every appearance of originality.

The expression, 'name . . . is called upon', in token of ownership, is found in Deut. xxviii 10 and is common in Jeremiah; but the latter uses it in different connexions, vii 10, 11, 14, xxxii 34, xxxiv 15, xiv 9, xv 16, xxv 29, and it occurs in other books also. It is, therefore, impossible to claim that Jeremiah borrowed it from Deuteronomy.

Again, the phrase 'stubbornness of heart', which occurs in Deuteronomy only once (xxix 18, E.V. 19), hardly looks in that connexion like a phrase coined by the author. Jeremiah's use of it (iii 17, vii 24, ix 13 (E.V. 14), xi 8, xiii 10, xvi 12, xviii 12, xxiii 17) is, on the whole, more natural.

There is a verbal agreement in Jer. x 3 and Deut. xxvii 15, 'the work of the hands of the workman'; and it must be admitted that the phrase is more natural in its context in Deuteronomy than in Jeremiah. But as few critics will maintain that Jeremiah is the author of x 1-16, this particular agreement has no bearing on the present enquiry.

The phrase 'iron furnace' occurs both in Jer. xi 4 and in Deut. iv 20, but it is impossible to say whether it is original in either passage, or in each case is borrowed from elsewhere. In neither case is the metaphor of a smelting furnace prominent, and it is probable that the origin of the phrase is unknown to us.

Further it is noteworthy that Jeremiah, although he repeatedly asserts Jehovah's possession of Israel (vii 23, xi 4, xiii 11, xxiv 7, xxx 22, xxxi 1, 33, xxxii 38), never uses the remarkable expression which occurs *three times* in Deuteronomy (vii 6, xiv 2, xxvi 18), 'a peculiar people', אֱמֻנָה יְהוָה. The expression is indeed a *legal* one, and more likely to be coined originally by a lawyer than by a prophet. But if Jeremiah's language is influenced by Deuteronomy, it is certainly hard to explain his rejection of it.

Again, the phraseology of Jer. xix 7 b is at least as natural in its context as the parallel in Deut. xxviii 26. The same may be said of the expression, 'in anger and in fury and in great wrath', which occurs both in Jer. xxi 5 and in Deut. xxix 27 (E.V. 28); and likewise of the parallel passages Jer. xxii 8, 9 and Deut. xxix 23-25. Similarly the phrase 'for a shuddering unto all kingdoms of the earth' (Jer. xv 4, xxiv 9, xxix 18, xxxiv 17, Deut. xxviii 25) is as likely to be the coinage of the one writer as of the other.

The expression, 'the way of life' (i.e. the road to life), 'and the way of death' (Jer. xxi 8), is perfectly natural in its context, and may claim originality quite as well as the form of words in Deut. xxx 15, 19. The same may be said of the phrase 'I will give them a heart to know me' (Jer. xxiv 7), compared with the language of Deut. xxix 3 (E.V. 4); and also of Jer. xxxii 18 as compared with Deut. v 9, 10.

Further, it is to be noted that in Jer. xxviii 9, where one might have expected to find a quotation from Deut. xviii 22, no such quotation occurs; nor does the word יָרִיב occur in the book of Jeremiah except in *cc.* xlix, 1.

Another remarkable feature of the book of Jeremiah is its use of the word יְרִיר , 'liberty' (xxxiv 8), which is found in Lev. xxv 10 (? H) but not in Deuteronomy. Jeremiah never uses the Deuteronomic word לְחֵפְזָה .

But not only is it unnecessary to suppose that the phrases common to Jeremiah and Deuteronomy are quotations from the latter book; the case for the originality of Jeremiah is greatly strengthened by the occurrence there of a number of particularly striking expressions not found in Deuteronomy, or, indeed, in many cases, elsewhere. Thus Jeremiah's description of his country as 'a pleasant land, the goodliest heritage of the nations' (Jer. iii 19 *cf.* Ezek. xx 6) is not found in Deuteronomy.

Moreover, such poems as we have, for example, in Jeremiah 19-32, although they may have suffered in transmission, are sufficient to establish the fame of their author. Again and again in the book we find phrases which, to quote Dr Davidson, 'haunt the ear': 'Hath a nation changed its gods, which yet are no gods? but my people have changed their glory for that which doth not profit' (ii 11); 'not at housebreaking didst thou find

them' (ii 34); 'and ye shall find rest for your souls' (vi 16); 'which I commanded not, neither came it into my mind' (vii 31); 'as a horse that rusheth headlong in the battle' (viii 6); 'before your feet stumble upon the dark mountains' (xiii 16); 'Can the Ethiopian change his skin, or the leopard his spots?' (xxiii 23); 'the which, whosoever heareth, his ears shall tingle' (xix 3); 'Is not my word like as fire? saith the Lord; and like a hammer that breaketh the rock in pieces?' (xxiii 29).

Although the foregoing examination of the literary parallels in Jeremiah and Deuteronomy cannot be said to *prove* that the latter is influenced by the former, it may fairly be claimed for it that it at least demonstrates the possibility that such is the case; and this result, negative as it is, is of the utmost importance in an enquiry into the date of Deuteronomy, since its supposed influence on Jeremiah has hitherto precluded the idea of an exilic date for it.

Since, therefore, literary considerations leave the date of Deuteronomy undecided, we are able without bias to examine evidence of other kinds as to date.

In the first place, then, it is important to notice that Deuteronomy is addressed to *all* Israel; and this, not only in the introduction, as in i 1, v 1, but also in the main body of the book, as in xviii 6. It is surely improbable that in the days of Josiah, or earlier, provision would have been made by Judæan legislators for the case of a Levite coming from North Israel.

The same characteristic is noticeable also in the law of the Cities of Refuge (Deut. xix). If that law dated from the seventh century B.C., we should expect to find the three Cities of Refuge west of the Jordan in Judæan territory; whereas the statement in Joshua xx 7, which enumerates Kedesh (in Naphthali), Shechem, and Hebron, implies that these three cities have always possessed the right of asylum¹.

Another consideration which makes it difficult to assign Deuteronomy to an earlier period than that of Jeremiah is the

¹ Deut. xix 8, 9 is apparently a later addition to apply to the territory east of the Jordan, when the inhabitants of that region had accepted the law of the Sanctuary. The story of the altar 12 (Joshua xxii) probably refers to the same period. Although Bethel, 'the royal sanctuary' (Amos vii 13), was doubtless destroyed by the Assyrians, yet several less celebrated altars probably remained; cf. Judges vi 24.

absence from it of any mention of the cult of 'the Queen of heaven'. In Jeremiah's days that cult appears to have been popular enough (vii 18, cf. xlv 17-19); yet Deuteronomy, notwithstanding its earnest warnings against idolatry (iv 19, xvii 3), contains no precise reference to it.

The denunciation of Ammon and Moab in Deut. xxiii 4 ff (E.V. 3 ff) is intelligible if the composition of Deuteronomy be later than the destruction of Jerusalem; for Moabites and Ammonites with Aramaeans (cf. Deut. xxiii 5) had aided the Chaldaeans against Judah (2 Kings xxiv 2, cf. Jer. xlviii, xlix, Ezek. xxv 1-11); while the favourable mention of Edom in Deut. xxiii 8 (E.V. 7) may be explained by the absence of the name of Edom from 2 Kings xxiv. Ezekiel, it is true, denounces Edom (xxv 12-14, xxxv) for attacking Israel 'in the time of their calamity', and for seizing the possessions of Israel; but he brings a similar charge against the Philistines also (xxv 15, 17), and it is probable that all the neighbours of Judah tried to enrich themselves at Judah's expense during the last days of the Monarchy.

The unforgivable sin of the Edomites (Ps. cxxxvii 7, Isa. lxiii, Mal. i 3) is probably to be looked for in their conduct at a much later date, viz. in the disaster implied in Neh. i 3 (cf. Ezra iv 23).

Less than a generation after the destruction of Jerusalem there must have been many Edomites in Judah, for the stress of Arab invasion was already driving them northward, and Judah and Edom had enough in common to make the fusion of the two races an easy matter. It would, therefore, in all probability have been difficult to exclude people of Edomite descent from the congregation of Judah.

The favourable mention of Egyptians (Deut. xxiii 8) is more easily explained during the exile than in the days of Manasseh or Josiah. For after the murder of Gedaliah many fugitives found an asylum in Egypt (Jer. xlii-xliv), whereas Jeremiah (ii 36), as Isaiah had done before him, had protested against the insensate peril of an Egyptian alliance.

The insistence on kindness to slaves in Deuteronomy (v 14, 15, xv 12-15, xvi 12), although in any case fully in accordance with the spirit of its legislation, rather gains in force if the events

recorded in Jer. xxxiv preceded it. It would, however, be unsafe to found an argument on this.

The law relating to the king (Deut. xvii 14-20), with its limitation of the royal power, is hardly likely to have received the assent of Josiah himself. The language of *vs.* 14, 15 is particularly noticeable. There is nothing to indicate that Jehovah will choose the eldest son. Moreover, the law was drawn up at a time when there was at least a possibility that the people might elect a foreigner as their king (see *v.* 15). But considering the fact that the dynasty of David continued till the exile, and that *the people* made Azariah (2 Kings xiv 21) and Josiah (2 Kings xxi 24) after the murder of their respective fathers, the prohibition of an alien king before the exile seems altogether superfluous. On the other hand, during the exile, it is not impossible that the Palestinian community had some thought of recognizing as king some governor appointed by the Babylonian or Persian government, or, as is more probable, that there was an inclination in Judah to join a federation of Philistine and other Palestinian states with a view to throw off the yoke of Babylon or Persia. True, the statement that the king is not to cause the people to return to Egypt for the sake of multiplying horses seems at first sight somewhat gratuitous during the exile, especially after the power of Egypt had been broken by Nebuchadnezzar. But the old nationalist spirit, which had brought Judah to ruin, was not extinct even after the frightful blows of 597 and 586. There are indications of it in the time of Zerubbabel and in the following century. Certainly in the middle of the sixth century B.C. there must have been many who remembered the costly supplies of horses from Egypt for Judah's suicidal wars. Perhaps also Egypt was still seeking to stir up the Palestinian states against Babylon. At any rate, a few years later, 525 B.C., it joined in a rebellion against Cambyses.

It is noteworthy that 1 Kings v 6 (E. V. iv 26), which describes Solomon's horses, may be assigned to the Persian period, as is shewn by the use of the expression עֲרֵב הַיָּבֵשׁ (*v.* 4) to denote the country west of the Euphrates (cf. Ezra iv 10, 11, 16, 17, 20); hence the law of Deuteronomy (xvii 14-20, see particularly *v.* 17), may be directed against the common *ideal* of a king.

The law of Deuteronomy (xiv 1) forbids the cutting of the

flesh as a sign of mourning, and apparently the old practice of shaving the head; but Jeremiah (xvi 6) refers to both without the slightest indication that they are illegal (cf. also Jer. xli 5).

Reference has already been made to the difficulty of supposing that in the reign of Josiah, or earlier, the law should have permitted a Levite coming from what had been the kingdom of North Israel to minister at Jerusalem. The enactment of Josiah, which may be inferred from the words of Ezekiel (xliv 10-14), and which the sons of Zadok had so successfully resisted, must have referred only to the kingdom of Judah. But the law of Deuteronomy (xviii 6) expressly states that a Levite coming out of any city 'out of all Israel' is to be received at Jerusalem. Surely this implies the abolition of the northern sanctuaries, on which Josiah had neither the right nor the power to insist¹.

A similar conclusion is arrived at, if the law of the One Sanctuary, as given in Deut. xii, be compared with the corresponding law in the Holiness code (Lev. xvii). The latter code, it is true, we have only in a recension as late as the exile; but its nucleus is evidently much older, and would indeed seem to be identical with the nucleus of the codes in Exod. xxxiv and in the Book of the Covenant. From the frequent agreement between the Law of Holiness and Ezekiel it is reasonable to suppose that it had substantially reached its present form in 597 B. C.²; and it may therefore be considered as fairly representing the old law of Judah as it had taken shape in the hands of the Zadokite priesthood at the time of the exile.

If, then, Lev. xvii be compared with Deut. xii, it at once becomes evident that the former code, notwithstanding its

¹ That Josiah's northern frontier did not extend beyond Geba (or Gibeah?), and therefore did not include Bethel, is clearly implied in 2 Kings xxiii 8. In harmony with this is the fact that Jeremiah habitually appeals to *Judah* and *Jerusalem*. The original account of Josiah's reforms has been considerably amplified in later times, not only by the addition of a number of details, but also by the incorporation in it of the history of the desecration of Bethel. The latter is by the same hand as 1 Kings xiii, as is shewn, not only in the general agreement of the two sections, but also by a grammatical peculiarity which they have in common, viz. בתי המזבח (1 Kings xiii 32, 2 Kings xxiii 19), instead of the form בית המזבח which occurs elsewhere and which is in harmony with the plural בית המזבח.

² This must be understood as referring to its contents rather than to its actual wording. It is not probable, for example, that the original form of *H* called the sanctuary 'the tent of meeting'.

limitation of sacrifice to the one altar, introduces into the sacrificial system a far less drastic reform than the latter. For Lev. xvii allows no slaughter of any domestic animal, unless at least the fat is burnt and the blood poured out at the altar. In the small kingdom of Josiah, in which Jerusalem, both in size and importance, far surpassed any other town, at a time moreover when there were probably not many wealthy people in the country districts, it was doubtless possible, albeit to some a great hardship, to insist that no one should slay a domestic animal without providing for the offering of its fat and the pouring out of its blood at the altar in Jerusalem. Lev. xvii may, therefore, be said to contain the earliest form of the law of the One Sanctuary.

But in a code addressed to 'all Israel' an enactment, which at best must have pressed hard upon many, was manifestly impossible. Accordingly the law of the One Sanctuary in the modified form which we find in Deut. xii no longer requires the ritual offering of the fat and blood of a slaughtered animal, but only that the blood shall be poured out on the ground like water. The fat, which was originally considered almost as sacred as the blood, is henceforth made common. In like manner the law relating to the killing of game in Lev. xvii 13, 14 appears older than that in Deut. xii 15, 22.

The priority of the Law of Holiness to Deuteronomy may be inferred also from a comparison of the two codes in their references to soothsaying. The simple warning of Lev. xix 31 appears older than the comprehensive list given in Deut. xviii 10, 11.

That Deuteronomy is a Palestinian work is generally recognized. If then it be the outcome of the labours of the reforming party in Palestine during the generation after the destruction of Jerusalem, we are at once able to explain both its points of contact with the Law of Holiness (which may in the main be regarded as the law of Ezekiel's contemporaries in Babylon), and the absence of any appeal to it, or quotation from it, in the writings of Ezekiel¹.

The arguments generally adduced for assigning to Deuteronomy

¹ The present writer would refer here to what he has written in the *Journal of Theological Studies*, January 1905, p. 182.

a date not later than 621 B.C. are its supposed influence on Jeremiah, and the close agreement between its enactments and the reforms of Josiah. The first of these arguments has already been considered. The second, which is generally supposed to have great weight¹, must therefore be examined.

In the first place, then, it must be remembered that the account of Josiah's reforms was in all probability not written for a considerable time after the events recorded. If in the meanwhile Deuteronomy had become the law of the community, the historian's account of what Josiah did would naturally be coloured by his conception of what a pious king ought to do. Secondly, it must be remembered that it is quite unnecessary to suppose that Josiah's reforms could only have been carried out on the basis of an existing law. Such a supposition rests on a misconception of the nature of the government in the kingdom of Judah. There was no parliament to initiate legislation to which the king was responsible. The direction of affairs seems to have been theoretically in the hands of the king, practically, at all events in the case of a weak king such as Zedekiah, in the hands of a body of courtiers or 'princes'. No doubt the king was always compelled to reckon with public opinion, but, assuming that a sufficient weight of this was upon his side, he was a law to himself.

We must not take the prophets' denunciations of the sins of their country altogether *au pied de la lettre*. In every age reformers have cried like Elijah, 'I, even I only, am left', unaware of the existence of 'seven thousand that have not bowed the knee to Baal'. The leaven of the teaching of Isaiah and Micah was working in the lump even in the days of Manasseh. We are justified in supposing that in the days of Josiah there was a sufficient weight of public opinion on the side of the reformers to make it possible for them to carry out their reforms. No doubt there was also vehement opposition, though of this the Bible gives us scarcely a hint. Old customs, especially religious customs, are not readily given up, nor old objects of reverence destroyed. Nothing could be described more simply than the destruction of the brazen serpent in 2 Kings xviii 4; yet to not a few it must have seemed an act

¹ Cf. Carpenter and Battersby *The Hexateuch* vol. i p. 91.

of sacrilege that cried to heaven for vengeance. Doubtless the words which are put into the mouth of Rabshakeh (2 Kings xviii 22) are a fair illustration of the way in which many regarded Josiah's reforms.

What the book was of which a copy was found in the Temple, and read to King Josiah, assuming the substantial accuracy of the account in 2 Kings xxii, it is impossible to say. Probably the author or editor to whom we owe the present form of the history of Josiah's reforms identified it with Deuteronomy. At all events this is implied by the phrase ספר התורה in *v.* 8 (notice the Definite Article).

But it may fairly be questioned whether the Book of Deuteronomy, even if it had been in existence, would have produced upon Josiah quite such an effect as is described. Since the influence of the book which was read to the king, assuming that there was such a book, was manifested in the destruction of the local sanctuaries, with the inevitable diminution of sacrifice, it is reasonable to suppose that what affected so powerfully the mind of the king was some denunciation of sacrifice such as we find in either Amos, Hosea, Isaiah, or Micah. True, the language of these prophets, if pressed to its farthest logical conclusion, would have necessitated the abolition of the Temple of Jerusalem also. But though Josiah was prepared to abolish the country sanctuaries, he was not prepared to abolish his own. It was an *annexe*, it must be remembered, of his own palace, and since the priests who ministered in it were his servants, he doubtless considered that any abuses that might be found there could be easily removed. The compromise which Josiah adopted (and who shall say he was wrong?) was just such a compromise as would suggest itself to a man on whose mind the teaching of the prophets had had great effect, but who supposed, perhaps not altogether wrongly, that that teaching was not to be interpreted too literally.

If it was some collection of prophetic sayings which was read to Josiah, this might have been described in the earliest form of the story as a book of *tôrâ* (for *tôrâ* was used of prophetic teaching at least as late as the time of Isaiah, and probably much later), which in later times would be interpreted as a book of *the tôrâ*, i. e. the Deuteronomic law.

Hitherto our enquiry into the date of the composition of Deuteronomy has dealt chiefly with the main body of the book. In the case of some of the later additions it will perhaps be generally agreed that no suitable date can be found earlier than the exile. Thus Deut. xxix 28 (Heb. 27) speaks of an exile as an actual fact ('as at this day'), and there is not the slightest indication that the reference is to the Northern Kingdom.

Again, on the supposition of an exilic date we may find a possible explanation of a difficult phrase in the Blessing, Deut. xxxiii 7. The words, 'Hear, O Jehovah, the voice of Judah, and bring him in unto his people', present difficulty in more points than one. In the first place the text can scarcely be correct, for the use of the Jussive of the 2nd person **תביאנו** apart from a negative is inexplicable¹. Perhaps we should point **שמע** as the Perfect **שמע** and read **יביאנו**, i. e. 'Jehovah hath heard the voice of Judah, and to his own people will He bring him.' It is, however, extremely improbable that *Judah* ever prayed to be united with the larger Israel. Down to the time of Ahaz the kings of Judah were bent on asserting their independence, and certainly after the destruction of Samaria no Judæan would have dreamt of praying to be brought in to the kingless Samaria. It is much more natural to explain the phrase 'his own people' as the people of Judah (in Judæa), and 'the voice of Judah' as the prayer of the Jewish exiles in Babylon to be restored to their kindred in the Holy Land. This double conception of Judah as being both in Babylon and in Judæa at the same time is similar to that which we find in Isa. xl 1 ff, where the prophet bids his fellow countrymen in Babylon comfort Jehovah's people, by whom, as the context shews, he means the inhabitants of Jerusalem and of the cities of Judah.

Again, the remarkable passage relating to Ebal and Gerizim in Deut. xxvii, which is referred to by anticipation in Deut. xi 29, 30, though in all probability a somewhat later appendix to, or an insertion in, the earlier code, bears strong marks of exilic composition.

¹ It is possible, however, to regard **תביאנו** as *Imperfect*, especially the poet's hope that his prayer will be fulfilled: 'Yea, thou wilt bring him in.'

In the first place it is to be noted that this particular law is said to be have been given by 'Moses and the elders of Israel', thus implying that it is supplementary to the law of the One Sanctuary already accepted in Judah, and regarded as Mosaic. The injunction to celebrate festival sacrifices on Mt. Ebal is very remarkable, and at first sight seems at variance with the law of the One Sanctuary. There is, however, nothing in the language to imply that we have a law relating to an annual or periodic sacrifice, and the natural inference is that it deals with some one occasion. What that occasion was is indicated in *v.* 9, which seems to imply the incorporation in the covenant of Israel of some who had hitherto been regarded as excluded from it. '*This day thou art become the people of Jehovah thy God*¹. Thou shalt therefore obey the voice of Jehovah thy God, and do His commandments and His statutes which I command thee this day.'

The sacrifice held at the altar on Ebal was probably the last ever held there, and was permitted because a solemn covenant, such as that into which the inhabitants of the district were entering, demanded a sacrifice, and a sufficient number of the population could not have gone to Jerusalem to give due weight to the solemn promulgation of the Deuteronomic law. The old sanctuary, the origin of which was assigned by tradition to the Israelite conquest of Palestine, was too sacred in the eyes of the inhabitants to be done away with; but any heathenish or un-Deuteronomic ideas connected with it were removed by the expedient of inscribing the stones with the words of the Deuteronomic law. It is probable that this enactment was a compromise made with the object of reconciling a recalcitrant party in North Israel.

It must be admitted that the critical difficulties of *c.* xxvii are considerable. The natural inference from *vv.* 2, 3, as Professor Driver has pointed out², is that the great stones are to be set up *immediately* after the crossing of the Jordan. For the expression

¹ The statement here is much stronger than that in xxvi 16, 18, which implies the acknowledgement or ratification of a compact between Jehovah and His people. Here it is said, not that Israel has become Jehovah's people (which would have been expressed by *היה ליהוה אלהים לעם*), but that Israel *has been made into a nation*, and that a nation belonging to Jehovah (*היה לעם ליהוה אלהים*).

² *Commentary on Deuteronomy* p. 295.

'on the day when', בַּיּוֹם אֲשֶׁר, implies a literal day, whereas the expression used in *v.* 4 תַּעֲבֹרְכֶם is more general, and means here, as is clear from its use in *v.* 12, 'when ye shall have crossed over'. Moreover, the reason given in *v.* 3 for inscribing the stones is 'that thou mayest go into the land which Jehovah thy God giveth thee', implying that the conquest of Palestine is still future; whereas it would obviously be impossible to set up an altar on Mt. Ebal till a very considerable portion of the land had been conquered. These discrepancies make it improbable that *v.* 4 is originally parallel to *v.* 2. The explanation of the difficulty would seem to be that two laws dealing with two different localities have been telescoped together. It will be generally admitted that Joshua viii 30-35 is a clear reference to this chapter, beginning apparently with the building of the altar in *v.* 5. But since the account in Joshua just referred to mentions no stones save those of which the altar itself is built, the natural meaning of its statement in *v.* 32 is that the words of the law were *engraved on the stones of the altar itself*. With this clue we may perhaps reconstruct the text of Deut. xxvii 4, 5, which, as it was originally written by those who framed the statute for the ceremony on Ebal, probably ran somewhat as follows: 'וְהָיָה בְעֹבְרְךָ אֶת הַיַּרְדֵּן וּבְנִית מִזְבֵּחַ לַיהוָה אֱלֹהֶיךָ בְּהָר עֵיבָל מִזְבֵּחַ אֲבָנִים וְנֹה'. No mention is made in Joshua of any *plastered* stones, and the introduction of them into Deut. xxvii 4 (quite out of the proper place, since the instructions about the plastering, if genuine, should immediately precede *v.* 8), is probably due to the editor, who was endeavouring to combine a law concerning the building of an altar on Ebal with another law relating to the plastering and inscribing of certain great stones. But if 'the stones' of Deut. xxvii 8, like 'the stones' of Joshua viii 32, are the stones of the *altar*, there is no mention in connexion with Ebal of any standing stones.

Since the book of Joshua mentions an altar on Ebal and, indeed, actually shews an acquaintance with the law contained in Deut. xxvii 5-8, it is natural to ask whether there is also in Joshua a reference to the stones mentioned in *vv.* 2, 3. We have seen that these stones were to be set up immediately after crossing the Jordan; and we naturally think, therefore, of the circle of twelve stones at Gilgal (Joshua iv 20). It is not impossible

that Deut. xxvii 2, 3, in its original form, referred to the plastering of the old standing stones of Gilgal as a means of depriving them of their old associations.

If then this view of the section of Deut. xxvii 2-8 be correct, viz. that it is a combination of two laws referring to two different localities, we may account for its present form as follows: the name *Gilgal* being omitted (possibly in consequence of the explanation given in Joshua v 9, according to which the name would be impossible in the mouth of Moses), *v.* 4 was rewritten by the editor, who assigned the standing stones to the same site as the altar, as is also done by the author of the geographical note in Deut. xi 30.

Another explanation, however, is possible. The natural meaning of Deut. xi 30 is that Ebal and Gerizim were in the neighbourhood of Gilgal; and a place named Julejil exists to this day 'on the plain of Makhna 1 m. E. of the foot of Mt. Gerizim, 2½ m. SE. of Shechem, and 1¼ m. SW. of Salim' (*Encyc. Bibl.* art. 'Gilgal', col. 1732). But this is too far from the Jordan to suit the story of Joshua iv, even if the Israelites be supposed to have crossed considerably north of Jericho. It is, however, by no means improbable that the Gilgal near Jericho has been confused with the Gilgal near Ebal and Gerizim. A confusion of a similar kind is found at the beginning of Deuteronomy, where the confusion of Suph (= Suphah, Num. xxi 14) with *Yam sâph*, the Red Sea, has caused a laborious annotator to add the utterly irrelevant and misleading note 'between Paran and Tophel . . . Kadesh Barnea'.

But the critical difficulties do not end here. From Deut. xxvii 12, 13 (cf. xi 29) we should infer that the six tribes on Mt. Gerizim were to recite, or, at all events, respond to, the blessings, and, likewise, the six tribes on Mt. Ebal the curses; but according to *v.* 14 ff the *Levites* pronounce the curses, and *all* the people respond *Amen*¹.

Again, since we have twelve curses in *c.* xxvii, we should expect to find also twelve blessings, but of these there is no trace. True, the word *blessed* (ברוך) occurs *six* times in xxviii 3, 6; but against this must be set the sixfold *cursed* (ארור) of *vv.* 16-19.

¹ See Driver *Deuteronomy* p. 298 ff.

It is, however, noticeable that the curses in this latter place are called הקללות (cf. על־הקללה xxvii 13, cf. also הברכות xxviii 2 with לברך xxvii 12); and since there are six blessings and six curses, it is conceivable (though, having regard to their form, improbable), that one blessing or curse was assigned to each tribe, in the same way that the articles of the Apostles' Creed were assigned to the Twelve Apostles. On this supposition the section xxvii 14-26 may be, as Dr Driver suggests, 'an old liturgical office', which has been inserted here.

Joshua viii 34, however, certainly seems to be a reference to the blessings and curses of Deut. xxviii; and it is distinctly said (v. 33) that the recital of these took place *after the blessing of the people* by the tribes on the two mountains. It is remarkable that the book of Joshua says nothing about any *curses* in this connexion, but implies that the ceremony in which the tribes standing on the two mountains took part was one of benediction only. Indeed the ceremony, as it is described in Joshua, is a far more natural one; for instead of six tribes standing on Mt. Gerizim, and six on Ebal, the people stand on either side of the priests, who bear the Ark, six tribes with their backs (אֶל־מִוּל) towards Gerizim, and six with their backs towards Ebal. The mention of the Ark is doubtless an addition by the editor of Joshua. Having regard then to the account in Joshua we may consider the words על־הקללה in Deut. xxvii 13 to be an editorial addition to prepare the way for the list of curses in xxvii 14 ff., xi 29 having undergone similar modification.

But if these verses are 'a liturgical office' which is old enough to have been inserted in the text of Deuteronomy, such an office may be presumed to have had its origin in some definite historical incident; and the sort of incident is suggested by Neh. x 29, 30, which relates how the people who formed the new Church of Israel 'entered into a curse, and into an oath, to walk in God's law', a phrase which may be compared with the very similar one in Deut. xxix 12 (Heb. 11). At the ratification of a solemn covenant it is extremely probable that an anathema would be pronounced on those who should be faithless to the conditions of the covenant.

It must be admitted that the twelve curses of Deut. xxvii, as they stand, can hardly represent such an anathema; for

we cannot imagine a new covenant based on such a law, for example, as that which forbids the misleading of the blind; but some of the sins anathematized, notably those in *vv.* 15, 20, 21, 22, 23, 26, being aimed at customs which had ceased to be lawful, or were associated with heathenish practices, might very well form such an anathema. It must not be forgotten that to Ezekiel marriage within certain degrees of kinship, lawful in the time of David, is regarded as a sin equal to bloodshed.

To sum up then our enquiry into the nature of Deut. xxvii, it is not improbable that that chapter in its original elements referred to more than one ceremony of reconciliation between Judah and southern Samaria, the district for which the original Deuteronomomic code was compiled, and outlying districts in northern Samaria, and possibly Gilead, as these were gradually induced to come into line in religious matters with Jerusalem. That it was only by degrees that the province of Samaria and Gilead accepted the Deuteronomomic law is extremely probable: but it is certain that all the worshippers of Jehovah in Palestine had accepted the law of the One Sanctuary a considerable time before the mission of Nehemiah; otherwise the acceptance by the Samaritans of the whole Pentateuch would be inexplicable.

We are not in a position to state precisely by what stages Judah and Samaria, which politically had for centuries been separated and continued separated certainly till after the time of Nehemiah, were united in their acceptance of one religious law. Southern Samaria, of which Bethel was the religious centre, was probably the first part of what had been the kingdom of North Israel to acknowledge Jerusalem as the one legitimate sanctuary. In the opinion of the present writer this remarkable reform was effected through a compromise, by which the Aaronite priests of Bethel migrated to Jerusalem.

We cannot suppose that the amalgamation of the worship of Bethel and Jerusalem was carried out without much friction. If, as is likely, the doings attributed to Josiah in 2 Kings xxiii are not mere invention, but are at least 'founded on fact', we may infer that the reforming party who induced the Aaronites to come to Jerusalem did not shrink from the grossest acts of violence in dealing with their opponents. There is nothing improbable in the story of the slaughter of priests upon altars, or of the desecra-

tion of the altar of Bethel by burning men's bones upon it¹. Like atrocities have been committed by Christian reformers. The chief error in the account of 2 Kings xxiii is that the reformation has been placed a generation or two too early. Somewhat later the violence of the reformers seems to have moderated. At any rate the altar on Ebal was changed from its old use with due regard to decency and to the feelings of those who had been wont to regard it as holy.

It would seem also that the precedent of Ebal was followed in the case of other sanctuaries also. Reference has already been made to the altar mentioned in Joshua xxii. The story there given in its present form is certainly not historical, though some historical incident probably underlies it. The description of the locality of the altar is too vague to allow us to identify it with any certainty. The statement of *vv.* 10, 11 certainly seems to place it on the west of the Jordan (though the subsequent narrative implies that it was on the east); and, if this be correct, it is not improbable that Gilgal was the place of which the story was originally told. As an old and important sanctuary Gilgal certainly had an altar; it was not far from the Jordan; it belonged to the Northern Kingdom, and therefore must have been outside Josiah's jurisdiction.

Hitherto we have claimed for Deuteronomy merely that it is exilic. We naturally ask whether it is possible to fix the date more precisely. It certainly cannot have been composed quite at the beginning of the exile, for between the murder of Gedaliah and its composition we must allow time for the country to settle down, for the Aaronite priests to migrate to Jerusalem, for the amalgamation of the Judæan book J with the North Israelite book E, into JE, and for the conviction that the book of *ibrā* so produced was inadequate. All this could scarcely have taken place in less than twenty years, and may have occupied a much longer space of time. On the other hand it is practically certain that Deuteronomy was substantially completed in the time of Zerubbabel; for from his days onward Samaria's growing jealousy of Judah would have made the unification of worship impossible, if it had not been already an accomplished fact. We may, there-

¹ It is, however, not impossible that some of the details were suggested to a later editor by Ezek. vi 5.

fore, conclude that the composition of Deuteronomy belongs to the generation which closed about 520 B. C.

Deuteronomy is a *Palestinian* work, and if the date assigned to it above be accepted, our ideas about Palestine in the middle of the sixth century B. C. must be considerably modified. In what was once considered a barren period of history in a wasted land there arose a book with which the Saviour of the world fortified His soul in temptation. Truly the desert can rejoice and blossom like the rose!

R. H. KENNETT.